

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

KETHERN VAUGHN,

Plaintiff,

v.

FTS INTERNATIONAL SERVICES, LLC,

Defendant.

§
§
§
§
§
§
§
§
§

Civil Action No. 5:16-cv-815

DEFENDANT’S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. Sections 1331, 1441, and 1446, Defendant FTS International Services, LLC (“FTS” or “Defendant”) removes to this Court the action brought by Kethern Vaughn (“Plaintiff”) in the 225th Judicial District Court of Dallas County, Texas. In support, Defendant states as follows:

I. BACKGROUND

1. On or about July 18, 2016, Plaintiff filed his Original Petition (the “Petition”) against Defendant in the 225th Judicial District Court of Bexar County, Texas, Cause No. 2016-CI-11921. In his Petition, Plaintiff claims discrimination based on his race/color, hostile work environment and retaliation.

2. Plaintiff served his Petition upon Defendant via its registered agent on July 27, 2016. This Notice of Removal, together with all process, pleadings, and orders served on Defendant, or otherwise on file in the lawsuit, are being filed in this Court within 30 days after the initial service of citation on Defendant. The removal is therefore timely under 28 U.S.C. § 1446(b).

3. An index of the documents filed in the State Court action, the State Court Docket Sheet, and copies of all documents filed in the State Court action, other than discovery, are

attached hereto as *Exhibit A*. Defendant's Certificate of Interested Persons will be filed separately. A copy of this Notice of Removal is also being filed with the Clerk of the State Court in which the action was filed.

II. GROUNDS FOR REMOVAL

The Court has original jurisdiction of this civil action under 28 U.S.C. § 1331, and this action may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441, because Plaintiff brings claims under the laws of the United States. Specifically, in his Petition, Plaintiff asserts claims against Defendant pursuant to Title VII of the Civil Rights Act of 1964, as amended ("Title VII"). *See Plf.'s Pet.* ¶¶1, 19-36. Based upon the federal questions raised by Plaintiff, this Court has original jurisdiction pursuant to 28 U.S.C. § 1331, and removal is proper pursuant to 28 U.S.C. §§ 1441(a)-(c). *See, e.g., Beiser v. Weyler*, 284 F.3d 665, 671 (5th Cir. 2002) (stating "[w]hen a plaintiff brings ... a discrimination action under Title VII, ... the district court has jurisdiction to decide the case").

In addition, this Court has supplemental jurisdiction over Plaintiff's state law discrimination claims pursuant to 28 U.S.C. § 1367 because the state law claims – which also arise out of Plaintiff's employment with Defendant – are so related to the federal claims that they form part of the same case or controversy.

III. CONCLUSION

Removal of this action is proper under 28 U.S.C. § 1441(a) because it is a civil action brought in a state court and alleges violations of Title VII. The District Courts of the United States have original jurisdiction of this action under 28 U.S.C. § 1331, because it involves questions of federal law.

WHEREFORE, Defendant gives notice that the action *Kethern Vaughn v. FTS International Services, LLC*, Cause No. 2016-CI-11921, pending in the 225th Judicial District Court of Bexar County, Texas, is removed to this Court.

Respectfully submitted,

s/Jana S. Baker

Jana S. Baker

Texas Bar No. 00794610

**OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.**

jana.baker@ogletreedeakins.com

8117 Preston Road, Suite 500

Dallas, Texas 75225

Telephone: (214) 987-3800

Facsimile: (214) 987-3927

Tiffany L. Cox

Texas Bar No. 24050734

**OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.**

tiffany.cox@ogletreedeakins.com

112 East Pecan Street

2700 Weston Centre

San Antonio, Texas 78205

Telephone: (210) 354-1300

Facsimile: (210) 277-2702

Ryan M. Miller

Texas Bar No. 24070281

FTS INTERNATIONAL SERVICES, LLC

ryan.miller2@ftsi.com

777 Main Street, Suite 3000

Fort Worth, TX 76102

Telephone: 817-339-3696

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that on August 16, 2016, a true and correct copy of *Defendant's Notice of Removal* was forwarded via ECF notification, to the following:

Carlos A. Solis
Derek Hilley
HILLEY & SOLIS LAW, PLLC
310 S. St. Mary's St., Suite 2900
San Antonio, Texas 78205

s/Jana S. Baker
Jana S. Baker

25740710.2